sterilization process the upper cylindrical space is filled with steam pulsatingly into the inner boiler.

REMARKS

Claims 1, 9, 16-20 and 22 have been amended. Claims 9 and 17-20 have been amended to correct minor informalities and conform to the remaining claims as pending. Claims 1, 16 and 22 have been amended to further define the present invention and are addressed further below. No new matter has been added herewith.

The following remarks address the substance of the Office Action:

I. Matters of definiteness

The Examiner has rejected claims 1, 16 and 22 under 35 U.S.C. § 112, second paragraph on the assertion that the recitation of the terms "inner boiler" and "said cylindrical boiler" in the claims lack proper antecedent basis. Applicant submits that amended claims 1, 16 and 22 address the Examiner's concerns, thus rendering the rejection to the claims inapplicable. In light of the above remarks, Applicants respectfully request withdrawal of the rejection to claims 1, 16 and 22 under 35 U.S.C. § 112, second paragraph.

II. The claimed invention is non-obvious

The Examiner rejected the claims under 35 U.S.C. § 103(a) on the assertion that the following cited references anticipate the invention as claimed.

In order for a combination of references to render a claim obvious, the combination of references must teach or suggest each of the elements of the claimed invention and must also provide the motivation to combine these elements to create the claimed invention. *In re Fine*, 5 U.S.P.Q.2d 1597 (Fed. Cir. 1988), *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1456 (Fed. Cir. 1998) and *In re Geiger*, 2 U.S.P.Q.2d 1276 (Fed. Cir. 1987), *see* M.P.E.P. 2141.03 and M.P.E.P. 2141.01. As discussed below, the cited combination of references does not suggest all of the elements of the claimed invention, nor does the cited combination of references provide a motivation to combine the elements to create the claimed invention.

over Kalasek et al. in view of Applicant's disclosure

The Examiner has rejected claims 1-6, 9-12 and 14-22 under 35 U.S.C. § 103(a) over Kalasek et al. (USP 4,263,258) in view of the Applicant's disclosure on the assertion that it would have been obvious to one of skill in the art to configure the apparatus of Kalasek within conventional volume dimensions of ministerilizers, supported in the Applicant's admission of the

state of the prior art, for their known effective application for point use of sterilization, such as in a dentist's office.

As stated by the Examiner, Kalasek teaches a double-walled boiler sterilization apparatus having computer controlled, timed actuation with a fluid reservoir provided between the sterilization chamber and an outer wall with heating means there with concentric placement of the sterilization chamber, which is offset within the outer walls. The apparatus of Kalasek does not teach or suggest the volumetric dimensions of the apparatus as stated by the Examiner. In fact, Kalasek et al. is silent about the dimensions of the disclosed apparatus.

The presently-claimed invention relates to a mini sterilisation apparatus as described in the amended claims and supported throughout the specification as filed. This apparatus has a volume from about 10 liters to about 50 liters (*see* specification, page 3, line 25) and contains a cylindrical sterilization boiler.

The apparatus of Kalasek cannot render the claimed invention obvious because Kalasek et al. do not teach or suggest a mini, compact, relatively small, etc. sterilization apparatus within their disclosure. Further, at the time of the invention of Kalasek (1979), the sterilization apparatus units were of a large size and were often built-in to their desired locations, for example, a laboratory. Thus, at the time of Kalasek, it was not a practice to downsize such sterilization apparatuses. This is evidenced within the disclosure of Kalasek which is 1) silent as to the dimensions of the apparatus since the art at the time of Kalasek did not comprise sterilization chambers of such small volumes like 10 to 50 liters, and 2) silent as to such modifications of their taught apparatus to even suggest downsizing the apparatus of the invention.

Thus, the disclosure of Kalasek et al. provides no motivation to combine its teachings to arrive at the presently claimed invention since Kalasek et al. do not teach or suggest a sterilization apparatus as taught and claimed in the present invention. Thus, all the claimed limitations are not met as required by M.P.E.P. 2141.013.

over Kalasek et al. in view of Applicant's disclosure and Brucker

The Examiner has rejected claims 7-8 under 35 U.S.C. § 103(a) over Kalasek et al. and Applicant's admission of the state of the prior art in view of Brucker (WO 92/01479). The Examiner asserts that in view of the rejection applied to claims 1-6, 9-12 and 14-22 above coupled with Brucker's teaching of the use of lateral supports and hinged sealing door that it would have been obvious to one of skill in the art to modify Kalasek et al. with the lateral

supports and hinged sealing door of Brucker to arrive at the invention as recited in claims 7 and 8.

As discussed above, the cited combination of Kalasek et al. and the disclosure of the instant specification do not teach or suggest all of the claimed elements as required by M.P.E.P. 2141. Specifically, there is no teaching or suggestion within Kalasek et al. of a mini, compact, relatively small, etc. sterilization apparatus. The additional citation of Brucker does not render the claimed invention obvious since Brucker does not teach or suggest a mini, compact, relatively small, etc. sterilization apparatus. Therefore, the cited combination of references does not render the claimed invention obvious.

In view of the above remarks, Applicants respectfully request withdrawal of the rejection to the claims under 35 U.S.C. § 103(a).

III. Conclusion

Claims 1, 9, 16-20 and 22 have been amended as discussed above. In addition, Applicants submit herewith formal drawings for Figures 1-3, thereby addressing the Draftsperson's objections to the Figures.

The changes made to the claims by the current amendment, including insertions and **[deletions]**, are shown on an attached sheet entitled **VERSION WITH MARKINGS TO SHOW CHANGES MADE**, which follows the signature page of this amendment. No new matter has been added herewith.

In view of the foregoing, Applicants respectfully submit the present application is fully in condition for allowance. If any issues remain that may be addressed by a phone conversation, the Examiner is invited to contact the undersigned at the phone number listed below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. **(Amended)** A **[compact]** sterilisation apparatus for medical instruments and the like which is easy to operate, handle and transport**[,]** comprising a mini sterilisation apparatus, said mini sterilisation apparatus comprising a casing provided with a double-walled sterilisation boiler having an inner wall and an outer wall, whereby fluid is present between the inner and the outer wall such that a stable temperature of the inner wall can be achieved as well as steam generated therefrom, wherein the double-walled sterilisation boiler comprises an inner boiler ha**[s]**ving a volume of from about 10 to about 50 liters.

9. **(Amended)** The apparatus according to claim 8, wherein said sealing screw is operated by means of an electromotor of which the operating phases are operated by said process computer.

16. **(Amended)** A **[compact]** sterilisation apparatus for medical instruments and the like which is easy to operate, handle and transport**[,]** comprising a mini sterilisation apparatus, said mini sterilisation apparatus comprising:

a casing provided with a double-walled sterilisation boiler having an inner wall and an outer wall, whereby fluid is present between the inner and the outer wall such that a stable temperature of the inner wall can be achieved as well as steam generated therefrom, wherein said double-walled boiler comprises a cylindrical inner boiler placed within a cylindrical outer boiler, wherein the inner boiler has a volume of from about 10 to about 50 liters.

17. **(Amended)** The apparatus according to **[C]**claim 16, wherein said cylindrical inner boiler is placed concentrically or symmetrically but non-concentrically within said outer boiler.

18. **(Amended)** The apparatus according to **[of C]**claim 16, further comprising regulators and heating elements in said double boiler walls which provide for a stable fluid temperature.

19. **(Amended)** The apparatus according to **[of C]**claim 16, further comprising an inlet and apparatus for feeding steam for the sterilisation process pulsatingly into said boiler,

and an apparatus for providing a pulsating vacuum in said boiler such that air in the instruments or the like objects which are to be sterilised can be removed.

20. **(Amended)** The apparatus according to **[of C]**claim 16, further comprising an apparatus for setting and measuring pressure, temperature, time and output.

22. **(Amended)** A sterilization apparatus for medical instruments and the like objects which are easy to handle and/or remove, consisting of:

a casing with a sterilization chamber comprising a double-walled boiler whereby fluid is present between the inner and the outer wall of **[said]**the boiler;

regulators and heating elements for performing the sterilization process by means of which temperature and steam generated therefrom are controlled, wherein said casing comprises a cylindrical horizontally arranged boiler comprising an inner boiler, wherein **[said]**the cylindrical inner boiler has a volume of 10 to 50 liters and is horizontally placed and wherein said fluid partially fills a cylindrical space between **[said]**the boilers, and wherein during the sterilization process the upper cylindrical space is filled with steam pulsatingly into **[said]**the inner boiler.